THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.5742 of 2007

Date: 26.03.2007

Between:

Budda Srinivasa Rao.

....Petitioner

And

The Divisional Forest Officer, Soil Conservation Division, Visakhapatnam.

....Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.5742 of 2007

O R D E R:

The petitioner established a saw mill at Chodavaram, Visakhapatnam District, in the year 1994, after obtaining a licence under the A.P.Saw Mills (Regulation) Rules, 1969 (for short 'the Rules'). He submitted an application on 17.08.2006, for renewal of licence. The grievance of the petitioner is that the respondent has not taken any steps on the application for renewal and he seeks a declaration and consequential direction in relation thereto.

Learned counsel for the petitioner submits that the respondent himself issued a notice, dated 03.08.2006, directing the petitioner to submit an application for renewal; and ultimately, when it was submitted, he has not taken any action thereon.

Learned Government Pleader for Forests, on the other hand, submits that the licence of the petitioner

lapsed long back; and in view of the ban imposed by the Hon'ble Supreme Court, through its order, in a Public Interest Litigation and by operation of Rule (6) of the Rules, no renewal can be granted, at this stage.

Though the petitioner stated that he established saw mill in the year 1994, after obtaining licence, his affidavit is silent, as to the date, up to which, the licence was renewed. Rule (6) of the Rules prescribes a detailed procedure, in the matter of renewal of licences. Application for renewal is required to be submitted, one month before the date of expiry of licence. With late fee, such an application can be filed up to the end of February of next year. Beyond that, it is not permissible for submission of application for renewal. On verification, the learned counsel stated that no specific renewal of the licence was obtained for the last several years, though the renewal fee was being paid from time to time.

Once it has emerged that there did not exist valid renewal, at least for the past five years, the present application is virtually superfluous. In the absence of valid renewal, the licence gets cancelled, and the saw mill owner has to obtain licence afresh. The Hon'ble Supreme Court prohibited grant of fresh licences for saw mills, unless they are channelised through the Committee

appointed by it. The application for renewal, under these circumstances, cannot be sustained at all.

Hence, the Writ Petition is dismissed, leaving it open to the petitioner to pursue his remedies, to obtain fresh licence, in accordance with law. There shall be no order as to costs.

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26.03.2007

JSU